



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 41] नई दिल्ली, सोमवार, दिसम्बर 12, 1994/अग्राहायण 21, 1916
No 41] NEW DELHI, MONDAY, DECEMBER 12, 1994/AGRAHAYANA 21, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 12th December, 1994:—

BILL NO. 106 OF 1994

A Bill to amend the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Amendments Act, 1994

Short
title and
com-
mence-
ment.

2. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

42 of 1961. 2. In section 9 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (hereinafter referred to as the principal Act),—

Amend-
ment of
section 9.

(i) in sub-section (4), for the word "Magistrate" wherever it occurs, the words "Court of Session" shall be substituted;

(ii) after sub-section (5), the following sub-section shall be inserted, namely:—

"(6) During any inquiry or trial under this Act, on an application made on behalf of the Central Government, the court may, under such circumstances as may be prescribed and after recording such evidence as it thinks necessary, order for sale or

otherwise disposal of the vessel and other things seized under sub-section (2) and the depositing of the proceeds of such sale in the court.”.

Amend-
ment of
section 13.

3. In section 13 of the principal Act,—

(i) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Where any foreign vessel, used in or in connection with commission of any offence under section 10 or section 11 or section 12, is found abandoned within any maritime zone of India, the said foreign vessel together with its fishing gear, equipment, stores and cargo and any fish on board, shall be liable to confiscation.”;

(ii) in sub-section (2), for the words, brackets and figure “sub-section (1)”, the words, brackets, figures and letter “sub-section (1) sub-section (1A)” shall be substituted.

Amend-
ment of
section 19.

4. In section 19 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, or in any other law for the time being in force, the offences under this Act shall be tried by the Court of Session and any prosecution in respect of such offence pending in any court inferior to the Court of Session shall stand transferred to the Court of Session.”.

2 of 1974.

Omission
of section
20.

5. Section 20 of the principal Act shall be omitted.

Amend-
ment of
section
25.

6. In section 25 of the principal Act, in sub-section (2) for clause (g), the following clauses shall be substituted, namely:—

“(g) the circumstances for disposal of the vessel and other things under sub-section (6) of section 9;

(h) any other matter which is required to be, or may be, prescribed.”.

STATEMENT OF OBJECTS AND REASONS

The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 was enacted to regulate fishing by foreign vessels in certain maritime zones of India. It is observed that cases filed in Courts under the Act take considerable long time and this gives rise to certain obligations with regard to unkeep of seized vessels and their final release or disposal. Although there are provisions for getting the vessel released against furnishing security, there is perceptible tendency among the owners or charterers of the vessel not to take steps for release of the vessel, which in turn results in congestion of the already limited space available in the Indian ports. Enormous costs have to be defrayed by the Government towards payment of port dues, etc. Idleness coupled with lack of proper care during the period of detention, which may be two or three years or even more, reduce the vessel to junk by the time the cases are finally decided. It is, therefore, proposed to make the following amendments in the Act, namely:—

(i) to empower the Court of Session to order for sale or otherwise disposal of the vessel and other things seized under the Act during pendency of any inquiry or trial;

(ii) to make the offences under the Act triable by Court of Session for quick disposal of the cases;

(iii) to make the foreign vessel used in or in connection with commission of any offence under the Act, liable for confiscation if found abandoned.

2. The Bill seeks to achieve the above objects.

NEW DELHI;

The 30th November, 1994.

TARUN GOGOI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill seeks to amend sub-section (2) of section 25 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 so as to empower the Central Government to prescribe the circumstances for the disposal of the vessel or other things seized under this Act.

2. The matters in respect of which the rules may be made are essentially matters of detail or procedure. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 101 OF 1994

A Bill to amend the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

Enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Recovery of Debts Due to Banks and Financial Institutions (Amendment) Act, 1994.

Short
title.

2. In section 6 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (hereinafter referred to as the principal Act), for the words "sixty years" the words "sixty-two years" shall be substituted.

Amend-
ment of
section 6.

3. In section 11 of the principal Act, for the words "sixty-two years" the words "sixty-five years" shall be substituted.

Amend-
ment of
section 11.

STATEMENT OF OBJECTS AND REASONS

The Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (hereinafter referred to as the Act) provides for the establishment of Tribunals for expeditious adjudication and recovery of debts due to banks and financial institutions and for matters connected therewith or incidental thereto. Under section 4 of the said Act, a Tribunal shall consist of one person only (referred to as the Presiding Officer) and a person shall not be qualified for appointment as Presiding Officer unless he is, or has been, or is qualified to be, a District Judge (section 5 of the Act). Similarly, according to section 9 of the Act, an Appellate Tribunal shall consist of one person only (to be referred as Presiding Officer of the Appellate Tribunal) and one of the qualifications for appointment as the Presiding Officer of an Appellate Tribunal is that he is, or has been or is qualified to be a Judge of a High Court (section 10).

2. Government's efforts for establishment of Tribunals at different places have not been successful due to lack of adequate response from sitting Judges. The main reason for this has been that the superannuation ages of Presiding Officer of Tribunals (section 6) and Appellate Tribunal (section 11) are sixty years and sixty-two years respectively which is also the age of superannuation of District Judges and High Court Judges. Government hopes that if the maximum age of the Presiding Officers of the Tribunal is raised from sixty years to sixty-two years and from sixty-two years to sixty-five years in the case of Appellate Tribunal, the situation may improve.

3. The Bill, accordingly, seeks to increase the age limit of superannuation of the Presiding Officer of the Tribunal from sixty to sixty-two years by amending section 6, and from sixty-two to sixty-five years by amending section 11 in the case of the Appellate Tribunal.

NEW DELHI;

The 1st December, 1994

MANMOHAN SINGH.

R. C. BHARDWAJ.
Secretary-General.